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HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15018 OF 1994

DATED:22nd September, 2005

Between:

Majji Dalinaidu and 5 others

..... PETITIONERS

AND

1. The Superintendent, APSEB, Near New

Apsara Hotel, Visakhapatnam and another

.....RESPONDENTS

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HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15018 OF 1994

ORDER:

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The petitioners approached this Court through this writ petition seeking to declare that their termination from service as casual labour is violative of Article 14 and 16 of the Constitution of India and Section 25-F of the Industrial Disputes Act, and consequently, to direct the respondents to absorb them into regular service.

2. The petitioners contended that they worked as casual labour under the respondents from 1977 to 1979 on daily wages. Since they worked for more than 180 days, they were with a fond hope of getting absorbed into regular service. But the respondents resorted to adopt the method of pick and choose while regularizing the services of casual labour. The petitioners were terminated from service without following any procedure prescribed under law. As the termination itself is illegal, they approached this Court for the above relief.

3. The respondents filed a counter-affidavit denying the allegations made by the petitioners. The respondents stated that the petitioners worked as casual labour on daily wage basis and they were never given any hope that their services will be regularized. In pursuance of the guidelines issued by the board, dated 26-08-1985, a list of casual labour was prepared by the Divisional Office and the same was submitted to the Superintending Engineer (Operation), Visakhapatnam, for finalization. After finalization of the list, the names of all eligible candidates were published in the 'Andhra Bhoomi' Newspaper on 25-12-1988. As per the publication made in the newspaper, those persons whose names were not found in the list could have approached the Divisional Engineer concerned, within a period of ten days by producing all the relevant material available with them to prove that they are eligible to be considered for the posts of Helpers. But the petitioners, whose names were not found in the list, neither submitted any records nor approached the Divisional Engineer to prove that they are eligible for regularization. It is further stated that the petitioners did not make any representation at any point of time. As per the instructions of the board, the Ex-Casual Labour should fulfill certain conditions for regularization that those who were able to read and write should have worked for 100 days,

those who have passed 8th class should have worked for 90 days, those who have passed 10th class should have worked for 80 days and those who have passed ITI (Electrical Trade) should have worked for 60 days. The petitioners made a representation on 23-06-1994 and the said representation contained the thumb impressions of the petitioners. It shows that the petitioners cannot read and write and they do not possess any qualifications. As they do not have any basic qualification, they could not be considered for regular service.

4. Though the respondents specifically mentioned that the petitioners did not fulfill any of the conditions required to be fulfilled as per the board instructions, the petitioners do not place any material before the respondents or could not deny the *factum* that they do not possess any qualifications and they are marksmen. Since the respondents followed the procedure in the process of absorbing casual labor into regular service, I am of the opinion that there is no illegality in not considering the cases of the petitioners for regularization and I do not find any merit in the writ petition warranting interference by this Court.

5. Accordingly, the writ petition is dismissed. The petitioners are at liberty to approach the respondents in the event of availability of any material to show that they are eligible to be considered for regularization. No order as to costs.

22nd September, 2005

SKM